

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Diana Monopoli, Deputy Clerk.

F045681 People v. Ortega

Parties stipulate that (1) Honorable Rebecca A. Wiseman, Associate Justice, the absent assigned justice, participate in the determination of this appeal, and (2) listen to the recording of oral proceedings upon her return.

Cause called and argued by David McNeil Morse, Esq., counsel for appellant and by Julie A. Hokans, Deputy Attorney General, counsel for respondent.

Submission deferred until Friday, February 17, 2006 for, Honorable Rebecca A. Wiseman, Associate Justice to listen to the recording of oral argument.

At this point Harris, Acting P.J. directs Levy, J. to act as Presiding Justice in his absence, leaves the bench and is replaced by Dawson, J.

F047646 Rodriguez v. The Superior Court of Kern County; Insurance Company of the West

Parties stipulate that (1) Honorable Rebecca A. Wiseman, Associate Justice, the absent assigned justice, participate in the determination of this appeal, and (2) listen to the recording of oral proceedings upon her return.

Cause called and argued by John F. Moran, Esq., counsel for appellant and by Haik Bartoumian, Esq., counsel for respondent.

Cause submitted. Honorable Rebecca A. Wiseman, Associate Justice will listen to the recording of oral argument.

Court recessed until Tuesday, February 14, 2006 at 10:00 A.M.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F046474 People v. Calderon

The judgment is reversed and the cause remanded with directions to the trial court to conduct an in camera hearing on Calderon's discovery motion consistent with this opinion. If the hearing reveals no discoverable information in Officer Theile's personnel file which would lead to admissible evidence helpful to Calderon's defense, the trial court shall reinstate the original judgment and sentence which shall stand affirmed. If the in camera hearing reveals discoverable information bearing on the officer's past use of excessive force which could lead to admissible evidence helpful to Calderon in defense of these allegations, the trial court shall grant the requested discovery, allow Calderon an opportunity to demonstrate prejudice, and order a new trial if prejudice is demonstrated. If Calderon fails to show the requisite, the court shall reinstate the original judgment and sentence which shall stand affirmed. (*People v. Husted*, *supra*, 74 Cal.App.4th 410, 423.) Gomes, J.

We concur: Vartabedian, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046353 People v. Barragan

The judgment is affirmed. Gomes, J.

We concur: Vartabedian, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F047643 In re Daniel S., a Minor

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048405 In re Yolanda L., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F048405 **In re Yolanda L., a Minor**
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049425 **Adam T. v. The Superior Court of Stanislaus Co.; Stanislaus Co. Community Services Agency**
The petition for extraordinary writ is denied. Opinion is final
forthwith as to this court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]